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## FREDERICK COUNTY PLANNING COMMISSION

### January 12, 2011

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**TITLE:** Sam's Club Store – Proposed Expansion

**FILE NUMBER:** SP 03-11 (AP#'s 10978, 10980 & 10981)

**REQUEST:** **Site Plan Approval** (Requesting approval for building expansions OF 22,000  $\pm$  sq. ft.; lighting and parking modifications; and APFO & FRO approval)

**PROJECT INFORMATION:**

**LOCATION:** West side MD 85, opposite Spectrum Drive Intersection  
**ZONE:** General Commercial (GC)  
**REGION:** Frederick  
**WATER/SEWER:** W-1, S-1 (existing service)  
**COMP. PLAN/LAND USE:** General Commercial

**APPLICANT/REPRESENTATIVES:** (as applicable)

**APPLICANT:** Western I Limited Partnership  
**OWNER:** same  
**ENGINEER:** Bowman Consulting Group, Ltd.  
**ARCHITECT:** N. A.  
**ATTORNEY:** Thomas C. Kleine, Esq.

**STAFF:** Stephen O'Philips, Principal Planner

**RECOMMENDATION:** Conditional Approval

*Enclosures:*

*Exhibit #1: APFO Letter of Understanding*  
*Exhibits #2a and #2b: Demonstration of the Number of Parking Lot Obstacles using 18' vs. 42' Pole Heights*  
*Exhibit #3: Site Plan (Sheets 1-17 of 17)*

## STAFF REPORT

### BACKGROUND:

**Development and Parcel History:** This site was originally approved for site development in 1985 for a motel/shopping center. That approval expired. In 1992 the Frederick County Planning Commission (FcPc) approved a Site Plan for a Pace Membership Warehouse retail store for a 110,000 sq. ft. building. Over the years the building was enlarged slightly to 113,630 sq. ft. through Staff permit reviews. Currently, the warehouse/retail building is occupied by Sam's Club (not shown on the aerial view below). The site is bounded by I-270, Exit #31 On-Ramp and MD 85. This parcel has access to MD 85 via a short panhandle that is located opposite Spectrum Drive. Therefore, the entrance intersection traffic affects a vital intersection to FSK Mall.

Immediately adjacent to this parcel are two sites that recently have been reviewed for Site Plan development by the FcPc: 1) Church of the Redeemer, located to the northwest, for which the access lane separates Sam's Club from the AAA parcel to the north; and 2) AAA, located to the north. The Church of the Redeemer (formerly Circuit City) site has a berm and mature deciduous trees along its shared lot line with Sam's Club. The AAA site also contains an unused building (shown below in dark gray).





**This Site Plan Application:** The Applicant proposes an expansion of 21,862 sq. ft. to expand both retail areas and storage areas. Parking lot layout, landscape, lighting and signage changes are also proposed. Because this is a site with an existing building, the areas of proposed change were evaluated against the current site development standards listed in the Zoning Ordinance. Also, the Applicant is proposing a new Gas Station with six pumps and 12 pump stations. The Applicant has erroneously labeled this plan "Second Revised" Site Plan. The Applicant needs to change the title block to "First Revised" Site Plan since this is the first Site Plan revision since 1992.

**SITE USE, CIRCULATION, PARKING & UTILITIES:**

**Land Use and Zoning Review:** The site is zoned General Commercial (GC). The Zoning Ordinance Use Table (§. 1-19-5.310) lists *Department store or variety store* as a Principal permitted use subject to site development plan approval.

**Dimensional Requirements/ Bulk Standards:** The existing and proposed building areas meet front, side and rear setback requirements; and all other bulk requirements according to the following table:

<i>Use Classification</i>	<i>Minimum Lot Area</i>	<i>Minimum Lot Area per Unit</i>	<i>Lot Width</i>	<i>Front Yard</i>	<i>Side Yard</i>	<i>Rear Yard</i>	<i>Height</i>
<i>Commercial use</i>	<i>12,000</i>	<i>-</i>	<i>100</i>	<i>25</i>	<i>8</i>	<i>25</i>	<i>60'</i>

In addition to meeting the current 25' setback from the existing I-270 right-of-way line of through highway, the Applicant has provided an additional setback to accommodate an anticipated widening of I-270, identified as the Alternative 6A/B and 7A/B of the I-270/US 15 Multi-modal Corridor Study. While this alignment is tentative and subject to change, it is the best information available at this time, and the setback provided by the Applicant is consistent with the State Highway Administration future right-of-way line delineation.

Lastly, while architectural review is not required under the Zoning Ordinance for buildings within the GC zone, the Applicant has noted that the building addition will comply with the height limitation of 60' in the GC zone at the time of permit application.

**Access/Circulation and Road Frontage Improvements:** The site currently has a short panhandle access to MD 85 opposite Spectrum Drive. This entrance is shared with the Church of the Redeemer site. Further refinements of this entrance will be resolved at the time of Improvement Plan review in order to improve the efficiency of the signalized intersection and meet LOU and SHA Engineering Access Permits requirements.

The panhandle to the Church of the Redeemer provides two access points to the Sam's Club parking lot. A Stop sign is being added on the driveway at the eastbound approach to the eastern most lot access to help provide unimpeded westbound ingress to the site and minimize the possibility of back-ups onto MD



85. Existing access easements were put into place several years ago with the Pace Membership Warehouse.

**Parking Space and Design Requirements:** Section 1-19-6.220 of the Zoning Ordinance requires that this land use provide a total of 460 parking spaces. The Applicant has provided 465 spaces and requests a modification for the five over the required amount. The Applicant claims the intensity of site usage justifies the extra five. Given that an existing parking lot is being retrofitted, the Staff does not object to this request.

Also, because of the retail nature of the operations, the Applicant has requested, and the Staff supports an increased parking depth from 18' to 20', creating a 64' parking bay module. The parking lot was originally designed at the 64' parking bay module in the 1990's, and it is appropriate to utilize the same 64' module to accommodate the existing layout of the parking lot.<sup>1</sup> Further, the increased parking depth (and hence the increased parking bay width of 64') better serves a retail traffic function than the standard 60' parking bay depth.

Section 1-19-6.220 (E) requires that parking designs in Site Plans be compliant with the Maryland Accessibility Code. The Applicant is required to provide seven handicapped parking spaces according to Maryland Accessibility Code requirements, two being van accessible. The Applicant has elected to provide 16 accessible spaces with four van-accessible spaces. Lastly, the Applicant has proposed a very wide pedestrian access zone near the store entrance with pavement striping.

With regard to the required connection to the adjoining parking lots, the Applicant requests approval not to connect to the Church of the Redeemer lot and the parcels to the east. The Staff offers no objection to this request for the following reasons:

- 1) The parcels to the east would be acquired by SHA for MD 85 widening at some time in the future. While the construction schedule for the MD 85 expansion is not known (final design should be complete by 2013), it will be difficult for these parcels to be approved for site development with this known right-of-way expansion;
- 2) The Church of the Redeemer site received approval not to connect to the Sam's Club parking lot because the landscape screening is mature and a connection would involve disruption of the vegetation; and
- 3) There is a panhandle connection to the northwest that provides relatively direct access to the Church of the Redeemer parking lot.

**Bicycle Parking:** The Applicant is required to provide 20 bicycle parking spaces based on the number of vehicular parking spaces. The Applicant has elected to provide exactly that amount, although the location does not meet the recommended 50' from entrance guideline, as the average parking space is 115' from the front doors. The Applicant has provided a 1" = 20' inset indicating how the pavement for the bicycle parking will interface with the sidewalk and surrounding landscape. The Applicant needs to re-design the bicycle parking, perhaps splitting the location to accommodate service entrances for employees who may bicycle to work.

**Loading Area:** An existing loading area was provided with the 1992-approved site layout. The increase in the building square footage would require three additional large loading spaces. Based on this calculation, the Zoning Ordinance would require 14 large loading spaces without modification. However,

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<sup>1</sup> *If this had been a completely new site, the Staff would have most likely recommended a 62' module. In this case, however, there are existing landscape island and parking pavement layout to accommodate. Therefore, the Staff does not object to the 64' module in this case.*



the existing loading area is large enough to accommodate roughly 17 large loading spaces--some in tandem. The Staff views the loading area as sufficient to accommodate the increase in building square footage.

**Utilities:** The parcel is classified W-1, S-1. All facilities are existing. The Division of Utilities and Solid Waste Management (DUSWM) will require minor corrections and service abandonment to an adjoining Exxon site to be resolved with Improvement Plans.

### **ENVIRONMENTAL ANALYSIS:**

**Open/Green Space and Floodplain Issues:** Other than soil-base requirements for trees and setback requirements, there are no special open or green space requirements in the General Commercial zone.

**Landscaping:** The original landscaping from the 1992 Site Plan approvals was installed. A significant portion of this 1992 landscape involved tree screening along I-270. For the most part, the Applicant proposes to leave undisturbed the I-270 screening, except for the area of parking revisions in the southwestern corner of the site. The Applicant proposes to install a drainage swale between the proposed parking area I-270. The Applicant proposes to replace these trees with evergreen trees—White Pine and American Holly. The typical 6' ht. and 2" caliper tree sizes are proposed. Given the fact that this tree size may take ten years or more to achieve the screening effect that is on the site now, an upgrade to 8-10' trees with a minimum 2 ½-3" caliper tree size would be more effective at reducing the interruption of the screening along I-270.

The Applicant is subject to the landscaping regulations that became effective on January 29, 2010. The Applicant has met the landscape requirements in the following ways:

- a) Street tree planting requirements – the Applicant has exceeded street tree planting requirements with the number of trees along the entry lane—which is technically not a street;
- b) 20% canopy—the Applicant has provided 22% canopy coverage in the parking lot;
- c) 10-parking-bay limit—the Applicant has not exceeded this limit by providing a 9.55 parking-bay average; and
- d) Usage of native species—the Applicant has provided 85% native trees for over-story deciduous, 100% native for evergreen, and 35% native for shrubs. These values are supported by Staff given the limited availability of native evergreen shrubs.
- e) Parking and property screening—the Applicant is providing trees and evergreen shrubs to provide screening.

**Storm-water Management (SWM) Design:** This project was tested with regard to the requirements of the Maryland Stormwater Management Act of 2007 (SWM 2007), which became effective May 4, 2010. The Applicant is proposing a series of small bio-retention ponds in the parking tree islands. At this time, it appears that no other environmental site design practices are needed to fulfill the SWM requirements. Approval of a SWM Development plan must be completed prior to Site Plan signature.

**Forest Resource Ordinance (FRO):** There are priority systems on site. The Applicant proposes to meet FRO requirements by purchasing Forest Banking credits. Approval of a Final Forest Conservation Plan is required prior to site Plan signature.



**MISCELLANEOUS DESIGN ISSUES:**

**Lighting:** Except for the Gas Station area, the Applicant has submitted a Lighting Plan showing a 2.5 to 8.0 foot-candle illumination of the parking lot during business hours. These values are not out of the normal range of 3.0 – 4.0 ft. candle for retail parking lots. There are some areas of spillage outside the property lines greater than 0.5 foot candles that must be rectified.

The Applicant has not submitted a Lighting Plan for non-business hours, as they indicate that that plan is still being worked on at the time of this writing. Staff suggests that the foot-candle values for non-business hours be reduced to ½ of what is proposed.

Light pole standards were adopted with the Zoning Ordinance text amendment that became effective January 29, 2010. The light pole height limits for commercial lots are 18'. The Applicant requests a light pole height of 42'. The Staff supports the modification for several reasons:

- 1) The pole heights are currently 40'. While the Applicant is relocating most of these existing poles, a reduction of pole heights to 18' would **geometrically increase** the number of required poles (from 16 to 56) to achieve an acceptable illumination foot-candle value. This increase in the number of poles would also create seven additional potential parking lot obstacles;
- 2) The adjoining Church of the Redeemer received a modification to retain the 32' pole heights;
- 3) The 42' height provides a more even distribution of light, avoiding "hotspots"; and
- 4) This is in an area of developed commercial sites where the predominant pole heights are significantly greater than 18'.

Lastly, the Applicant proposes a foot-candle illumination level of roughly 29 - 44 foot-candles under the Gas Station canopy. The Staff considers this level of illumination to be gratuitously high, and suggests that the Applicant reduce the foot-candle level to 9 -12 foot-candle illumination levels. A majority of national retail chains opt for a foot-candle illumination level s of 3.0 to 5.0 in their parking lots. The lighting levels sought by the Applicant generally **exceed** the minimum levels recommended by the United State Department of Labor for *infirmaries, first aid stations and offices.*

**Signage:** The Applicant proposes additional signage with this application. Regarding the Gas Station, the Applicant is allowed 49.3 sq. ft. of signage (based on the length of the Gas Station kiosk building) plus 24 sq. ft. for Maryland State mandated pricing information. The Applicant has clarified in writing that the Applicant is requesting two signs on the top of the canopy (not three as show in the details on Sheet 17) of 10.5 sq. ft. each. The Applicant has also clarified that they are requesting a 1.55 sq. ft. sign on each of the 12 gas pumps stations (not on one side of the pump station as shown on sheet 17). Therefore, the total of these is 39.6 sq. ft., as shown in the tabulation on Sheet 17. For the Gas Station, the Applicant is under the allotment by 9.7 square feet.

With regard to the Sam's Club Building, the way the signage was interpreted in 1992 when the Pace Membership warehouse was submitted to the FcPc for review and approval, corner buildings were allowed to receive a signage allotment, based on two street frontages. Several years ago, the Zoning Ordinance was amended to clarify that only one side of the building could be counted for the signage allotment (for new applications). However, the Zoning Administrator has opined that the FcPc-approved allotment in 1992 of 366 sq. ft. is part of the nonconforming structure and may be retained by the Applicant.

The Applicant is requesting a 90 sq. ft. free-standing sign in the location of the existing sign along MD 85. The free-standing sign currently meets the 12.5' setback standard; however, the sign must not exceed 25' in height. The Applicant needs to field verify that this sign will meet the 25' height limitation.



The Applicant also proposes building-mounted signage that exceeds the allotment of 366 sq. ft. The amount remaining for the building is  $366 - 90 = 276$  square feet. The Applicant's total proposed for the building is 264 sq ft., which is 12 sq. ft. under the allotment.

**Trash Dumpster and Recycling:** The 1992 plan indicated dumpster locations in the service court in the rear of the building. The Applicant has also designated recycling areas in the service court.

**Building Elevations and Height:** There is no architectural review authority for structures in the GC zone. The Zoning Ordinance limits building heights in the GC zone to 60'. The Applicant has noted this limit on the Site Plan.

### **ADEQUATE PUBLIC FACILITIES ORDINANCE (APFO):**

**In General:** This project was reviewed for potential impacts on schools, water/sewer and roads. This project was determined to generate no impacts on schools; minor impacts on utilities; and substantive impacts on roads/traffic.

- **Schools:** The non-residential nature of this project has no impact on schools.
- **Water and Sewer:** The Property is currently classified W-1/S-1. The Division of Utilities and Solid Waste Management (DUSWM) has indicated that the public sewer and water facilities are currently adequate to serve the project.
- **Traffic:** This project was subject to a traffic review. In accordance with the September 10, 2010 Traffic Impact Analysis (TIA) by The Traffic Group, revised December 10, 2010, the total uses on the site are capped at a total amount of 732 P.M. weekday and 1062 Saturday, peak hour vehicle driveway trips.  
The study area for the project included MD 85 intersections with Spectrum Drive/Site access, I-270 Northbound Ramps and I-270 Southbound Ramps. All three intersections are inadequate to serve this site. While there are existing and build-year capacity constraints, the real issue in this area is the operational dysfunctioning of the signalized intersections, with poor lane balance and frequent queuing from one signalized intersection through an adjacent signalized intersection. Much of this operational problem is associated with the travel desire to access the ramp to northbound I-270 and its inability to facilitate that demand.

The two I-270 intersections do not qualify for full mitigation and a fair share contribution is proposed toward the identified improvements at those locations (#1 and #2 below), as well as existing escrow accounts outside the study area at MD 85 and Crestwood Boulevard (#3 through #7 below).

The Applicant is required to fully mitigate the inadequacy at its site access with MD 85 and has demonstrated a willingness to do so as evidenced in the attached Letter of Understanding (LOU) consistent with County APFO requirements.<sup>2</sup> However the SHA, which has the over-riding authority to define changes to access to their roadways, and not bound by the rules contained in the APFO, is looking at the intersection from a broader perspective and may require an additional egress lane from the site to MD 85 to better accommodate future travel in the corridor. Staff does not disagree with this approach and would note that there is available on-site land in which to work.

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<sup>2</sup> The attached LOU is unsigned. The Staff understands that the Applicant will submit a signed LOU copy to the FcPc at the day of the Meeting.



The requirements to mitigate off-site improvements are as follows:

1. Escrow Account No. 3258 for I-270 Southbound Ramps and MD 85 Intersection - The estimated cost of the Road Improvement is \$753,600. As determined by DPDR-Traffic Engineering Staff, the Applicant's proportionate share of this Road Improvement is 3.68%. Therefore the Applicant hereby agrees to pay \$27,732 to the escrow account for this Road Improvement.
2. Escrow Account No. 3259 for I-270 Northbound Ramps and MD 85 Intersection - The estimated cost of the Road Improvement is \$753,600. As determined by DPDR-Traffic Engineering Staff, the Applicant's proportionate share of this Road Improvement is 1.70%. Therefore the Applicant hereby agrees to pay \$12,811 to the escrow account for this Road Improvement.
3. Escrow Account No. 3257 for MD 85/Crestwood Blvd. Southbound Additional Through Lane - The estimated inflated cost of the Road Improvement is \$296,000. As determined by DPDR-Traffic Engineering Staff, the Applicant's proportionate share of this Road Improvement is 1.06%. Therefore the Applicant hereby agrees to pay \$3,138 to the escrow account for this Road Improvement.
4. Escrow Account No. 3279 for MD 85/Crestwood Blvd. Westbound Acceleration Lane - The estimated cost of the Road Improvement is \$103,870. As determined by DPDR-Traffic Engineering Staff, the Applicant's proportionate share of this Road Improvement is 1.06%. Therefore the Applicant hereby agrees to pay \$1,101 to the escrow account for this Road Improvement.
5. Escrow Account No. 3280 for MD 85/Crestwood Blvd. Northbound Right Turn Lane - The estimated cost of the Road Improvement is \$251,339. As determined by DPDR-Traffic Engineering Staff, the Applicant's proportionate share of this Road Improvement is 1.06%. Therefore the Applicant hereby agrees to pay \$2,664 to the escrow account for this Road Improvement.
6. Escrow Account No. 3281 for Shockley Drive Re-Striping at MD 85/Crestwood Blvd. - The estimated cost of the Road Improvement is \$77,960. As determined by DPDR-Traffic Engineering Staff, the Applicant's proportionate share of this Road Improvement is 1.06%. Therefore the Applicant hereby agrees to pay \$826 to the escrow account for this Road Improvement.
7. Escrow Account No. 3282 for 4<sup>th</sup> NB lane at MD 85/Crestwood Blvd. - The estimated cost of the Road Improvement is \$1,158,300. As determined by DPDR-Traffic Engineering Staff, the Applicant's proportionate share of this Road Improvement is 1.06%. Therefore the Applicant hereby agrees to pay \$12,278 to the escrow account for this Road Improvement.

A total of **\$60,550** shall be paid to the County by the Applicant, his heirs, successors or assigns prior to the issuance of any building permit.

The Applicant, its successors or assigns shall re-construct and modify existing signalization at the project site intersection with MD 85 to provide improved signal operation and efficiency. The Applicant and the County acknowledge that this improvement is contingent upon SHA approval and access permit. This improvement must be permitted (guaranteed) by SHA prior to issuance of a building permit and completed prior to issuance of a certificate of occupancy.



Details regarding safe/efficient on and off-site access between the store and two nearby TransiT stops (#10 Mall-to-Mall Connector at Spectrum Drive in front of the KFC and #20 FSK Mall Connector at the MD 85/Spectrum Drive intersection in front of Sheetz) will be resolved at time of improvement plan approval and would generally be limited to sidewalks and painted crosswalks being provided where reasonable.

**OTHER AGENCY COMMENTS:**

<b>Agency</b>	<b>Comment</b>
<b>Engineering Section, DPDR:</b>	Conditional Approval subject to SWM Development Plan completion prior to Site Plan approval and minor DWM corrections to the Site Plan.
<b>Transportation Eng., DPDR</b>	Conditional Approval subject to resolving questions of queuing demands at the intersection with the Improvement Plan review and minor drafting corrections to the Site Plan.
<b>Planning Section, DPDR:</b>	<p>Conditional Approval, subject to resolving minor drafting corrections and the following as listed in the Staff Report:</p> <ol style="list-style-type: none"> <li>1) Re-design the bicycle parking, perhaps splitting the location to accommodate service entrances for employees who may bicycle to work.</li> <li>2) Upgrade evergreen trees along I-270 to 8-10' trees with a minimum 2 ½-3" caliper tree size</li> <li>3) Make these lighting changes:               <ol style="list-style-type: none"> <li>a) Reduce foot-candle illumination outside of property lines to 0.5 ft.-candles or less.</li> <li>b) Provide non-business hour Light Plan showing general foot-candle values reduced by ½ .</li> <li>c) Reduce the foot-candle level to 9 -12 foot-candle illumination levels under the Gas Station canopy.</li> </ol> </li> <li>4) Make the signage correction showing that the free-standing sign to be no more than 25'.</li> </ol>
<b>Life Safety, DPDR</b>	Approved. Emergency Response Information: 1 <sup>st</sup> Responder: Westview 2 <sup>nd</sup> Responder: United
<b>Health Department</b>	Conditional Approval. Adequate water and sewer taps must be available.
<b>State Highway Administration</b>	Incomplete. Disagreements with the results of the TIA continue; SHA may require a 4th egress lane to MD 85. SHA accepts appreciates the Applicant abiding by future right-of-way needs with adequate building set-backs.



**FINDINGS:**

The Applicant is requesting approval of Site Plan (AP # 10978) for a 21,862 sq. ft. building expansion; APFO and FRO approvals; and modification approvals for the following:

- parking-space dimension modification to allow 20' parking depth [§ 1-19-6.220 (B) (2)];
- parking-space number five greater than the required number [§ 1-19-6.220 (A) (2)];
- waiver not to connect to adjoining parking lots [§ 1-19-6.220 (F)]; and
- lighting modification to allow 42' pole height [§ 1-19-6.500 (G)].

The Staff finds that:

- 1) Site Plan approval can be given for a four-year period from the date of FcPc approval.
- 2) This project is subject to APFO - Roads testing because the increase in the number of peak-hour trips is greater than 25. The study area intersections are inadequate and the Applicant has agreed to mitigate in accordance with the measures deemed necessary to most reasonably help ameliorate the inadequacies and to contribute fair share contributions to existing area escrow accounts, as demonstrated in the attached LOU.
- 3) There are no hydrological components on this site. FRO forest requirements are being met with purchases of FRO Banking credits.
- 4) With regard to parking and site access:
  - a) The site circulation pattern is remaining essentially the same, with adequate sight distance, although relatively minor engineering changes to the intersection design may be required at the time of Improvement plan review;
  - b) The request not to connect to the adjoining lots and parcels is justified;
  - c) The request for an increased parking space depth is justified based on the nature of retail traffic functions;
  - d) The request for an additional five spaces above the required amount is justified because of the usage of the site and the fact that the site is being retrofitted from an existing parking lot;
  - e) The bicycle parking needs to be re-examined to better meet Code requirements; and
  - f) The design meets Maryland Accessibility Code requirements.
- 5) With regard to signage the free-standing sign must be verified to be no more than 25' in height.
- 6) With regard to lighting:
  - a) The request for 42' pole heights provides a safer parking lot environment by reducing the number of potential obstacles in the parking lot;
  - b) The foot-candle illumination outside of property lines must be reduced to 0.5 ft.-candles or less;
  - c) A Non-business Hour Light Plan showing general foot-candle values reduced by ½ would conform to standards of other retail parking lot environments approved by the FcPc under the January 29, 2010 Lighting Plan text amendment; and
  - d) A reduction of the foot-candle level to 9 -12 foot-candle illumination levels under the Gas Station canopy would more closely conform to previous FcPc approvals for similar situations approved by the FcPc under the January 29, 2010 Lighting Plan text amendment.
- 7) Based upon the discussion in the report, the Staff finds that the First Revised Site Plan application meets and/or will meet all applicable Zoning, Subdivision, APFO and FRO requirements once all Staff and Agency comments and conditions are met or mitigated. With certain conditions of approval added, the Staff offers no objection to approval.



**RECOMMENDATION:**

Should the FcPc choose to approve this Site Plan application (AP # 10978) for a 21,862 sq. ft. building expansion, the FcPc should also cite the following approvals as well:

- APFO approval (AP # 10980);
- FRO approval (AP 10981);
- parking-space dimension modification to allow 20' parking depth [§ 1-19-6.220 (B) (2)];
- parking-space number five greater than the required number [§ 1-19-6.220 (A) (2)];
- approval not to connect to adjoining parking lots [§ 1-19-6.220 (F)]; and
- lighting modification to allow 42' pole height [§ 1-19-6.500 (G)].

Then, Staff would recommend adding the following conditions to the approval:

Applicant shall:

- 1) The bicycle parking shall be re-examined to better meet Code requirements to Staff's satisfaction.
- 2) With regard to signage the free-standing sign must be verified to be no more than 25' in height.
- 3) With regard to lighting:
  - a) The foot-candle illumination outside of property lines must be reduced to 0.5 ft.-candles or less;
  - b) A Non-business Hour Light Plan showing general foot-candle values reduced by ½ would shall be submitted; and
  - c) A reduction of the foot-candle level to 9 -12 foot-candle illumination levels under the Gas Station canopy shall be executed.
- 4) Comply with Agency comments as this project moves through the development process, including but not limited to correction notes and resolving SHA issues.





Exhibit #1  
**DIVISION OF PEI      DEVELOPMENT REVIEW**  
**FREDERICK COUNTY, MARYLAND**  
*Department of Development Review*  
30 North Market Street • Frederick, Maryland 21701  
www.co.frederick.md.us

**COMMISSIONERS**

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**COUNTY MANAGER**

Barry L. Stanton

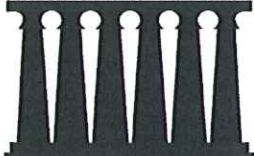
**PERMITTING AND  
DEVELOPMENT  
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Gary W. Hessong  
*Division Director*

**DEPARTMENT OF  
DEVELOPMENT  
REVIEW**

Elisabeth S. Smith, P.E.  
*Deputy Director*

**CHARACTER COUNTS!**



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**ADEQUATE PUBLIC FACILITIES LETTER OF UNDERSTANDING**

***Sam's Club Expansion***

*Site Plan # SP-85-06 (AP #10980)*

**In General:** The following Letter of Understanding ("**Letter**") between the Frederick County Planning Commission ("**Commission**") and *Western I Ltd. Partnership* ("**Developer**"), together with its/their successors or assigns, sets forth the conditions and terms which the Commission deems to be the minimum necessary improvements dealing with school, water, sewer, and road improvements that must be in place for the property identified below to be developed, as proposed under the approved site plan for a Sam's Club Store (the "**Project**"), in compliance with the Frederick County Adequate Public Facilities Ordinance, ("**APFO**").

The Developer, its successors or assigns, hereby agrees and understands that unless the required improvements are constructed in accordance with this Letter, APFO requirements will not be satisfied and development will not be permitted to proceed.

This Letter concerns itself with the Developer's 13.13 +/- acre parcel of land, which is zoned General Commercial (GC), and located in the northwest quadrant of I-270 and MD 85 with site access to MD 85 opposite Spectrum Drive. This APFO approval will be effective for development of an approximate 22,000 +/- square foot addition to the existing Sam's Club and a new gas station with up to 12 fueling positions, which is shown on the site plan submitted to the Commission for approval on January 12, 2011.

**Schools:** Schools are not impacted because the development of the property is a non-residential use.

**Water and Sewer Improvements:** While the public sewer and water facilities are currently adequate to serve the Project, the Applicant recognizes that capacity is not guaranteed until purchased. APFO approval for sewer and water does not guarantee that building permits will be issued. Building permit issuance is subject to compliance with the Annotated Code of Maryland, Environment Article Section 9-512, et seq. and all applicable County regulations, including, but not limited to, Section 1-16-106 of the Frederick County Subdivision Regulations.

**Road Improvements:** In accordance with the September 10, 2010 Traffic Impact Analysis by The Traffic Group, revised December 10, 2010, the total uses on the site are capped at a total amount of 732 P.M. weekday and 1062 Saturday, peak hour vehicle driveway trips.



As a condition of the APFO approval of the Project, the Developer is required to pay its proportionate contribution to the following escrow account (s):

1. Escrow Account No. 3258 for I-270 Southbound Ramps and MD 85 Intersection - The estimated cost of the Road Improvement is \$753,600. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 3.68%. Therefore the Developer hereby agrees to pay \$27,732 to the escrow account for this Road Improvement.
2. Escrow Account No. 3259 for I-270 Northbound Ramps and MD 85 Intersection - The estimated cost of the Road Improvement is \$753,600. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 1.70%. Therefore the Developer hereby agrees to pay \$12,811 to the escrow account for this Road Improvement.
3. Escrow Account No. 3257 for MD 85/Crestwood Blvd. Southbound Additional Through Lane - The estimated inflated cost of the Road Improvement is \$296,000. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 1.06%. Therefore the Developer hereby agrees to pay \$3,138 to the escrow account for this Road Improvement.
4. Escrow Account No. 3279 for MD 85/Crestwood Blvd. Westbound Acceleration Lane - The estimated cost of the Road Improvement is \$103,870. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 1.06%. Therefore the Developer hereby agrees to pay \$1,101 to the escrow account for this Road Improvement.
5. Escrow Account No. 3280 for MD 85/Crestwood Blvd. Northbound Right Turn Lane - The estimated cost of the Road Improvement is \$251,339. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 1.06%. Therefore the Developer hereby agrees to pay \$2,664 to the escrow account for this Road Improvement.
6. Escrow Account No. 3281 for Shockley Drive Re-Striping at MD 85/Crestwood Blvd. - The estimated cost of the Road Improvement is \$77,960. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 1.06%. Therefore the Developer hereby agrees to pay \$826 to the escrow account for this Road Improvement.
7. Escrow Account No. 3282 for 4<sup>th</sup> NB lane at MD 85/Crestwood Blvd. - The estimated cost of the Road Improvement is \$1,158,300. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 1.06%. Therefore the Developer hereby agrees to pay \$12,278 to the escrow account for this Road Improvement.

A total of **\$60,550** shall be paid to the County by the Developer, its successors or assigns prior to the issuance of any building permit.

The Developer, its successors or assigns, shall re-construct and modify existing signalization at the project site intersection with MD 85 to provide improved signal operation and efficiency, as conceptually shown on Exhibit 1, which is attached hereto and incorporated herein by reference. The Developer and the County acknowledge that this improvement is contingent upon SHA approval and access permit. This improvement must be permitted (guaranteed) by SHA prior to issuance of a building permit and completed prior to issuance of a certificate of occupancy.

**Period of Validity:** The preliminary plan approval is valid for four (4) years from the date of Commission approval. Site plan approval expires on January 12, 2015. APFO approval shall be valid for as long as the site plan approval remains valid.

**Disclaimer:** This Letter pertains to APFO approval only, and shall not be construed to provide any express or implied rights to continue the development process. The Project remains subject to all applicable rules and regulations, including but not limited to those related to zoning, water and sewer, and subdivision. The Planning Commission's jurisdiction and authority is limited by state and County law, and approvals may be required from other local or state governmental agencies before the proposed development can proceed.

Exhibit Attached

**DEVELOPER:**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Name:  
Title:

**FREDERICK COUNTY PLANNING COMMISSION:**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Robert White, Chairperson  
or, \_\_\_\_\_, Secretary

**ATTEST:**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Gary Hessong, Director, Division of Permitting &  
Development Review

*Planner's Initials / Date* \_\_\_\_\_  
*County Attorney's Office Initials / Date* \_\_\_\_\_  
*(Approved as to legal form)*